



E.V533104506US

PATENT APPLICATION

Docket: 15436.247.2.1.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
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	Lewis B. Aronson, et al.)
)
Serial No.:	10/629,725) Art Unit
) 2681
Filed:	July 28, 2003)
)
For:	INTEGRATED CIRCUIT WITH DUAL EYE)
	OPENERS)
)
Examiner:	Unassigned)

PETITION UNDER 37 C.F.R. §1.53(e)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The U.S. Patent & Trademark Office issued a Notice to File Missing Parts of Non-Provisional Application on June 15, 2004 in the above-referenced patent application. The Notice alleged that the patent application was filed with the omission of page 45 of the specification.

With this petition, the Applicants contend that the allegedly omitted page 45 of the specification was in fact deposited in the U.S. Patent & Trademark Office with the patent application papers on the filing date, July 28, 2003.

Applicants respectfully submit that the fact that page 45 of the specification was deposited with the patent application papers is hereby established in view of the evidentiary documents that accompany this petition in Exhibits A, B, C and D.

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Exhibit A includes a copy of the date-stamped postcard receipt that indicates that the application papers as filed included 47 pages of the application. Exhibit B includes a copy of the Certificate of Mailing by "Express Mail", which certifies that the patent application papers filed on July 28, 2003 included 47 pages of the application. Exhibit C is a copy of the Utility Patent Application Transmittal, which references 47 pages of the application that were filed on July 28, 2003. Exhibit D is a copy of page 45 of the specification that was referenced in the documents of Exhibits A, B, and C which were filed on July 28, 2003.

Applicants point out that the 47 pages of specification include page 45 and also include all of the drawings referenced in the specification of the patent application. "A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." (M.P.E.P. §503). Because the postcard indicates that page 45 was filed, Applicants respectfully submit that the fact that page 45 was deposited with the patent application papers has been established. In addition, the copies of the certificate of mailing and the patent application cover sheet in Exhibits B and C represent further evidence of the deposit of page 45 with the patent application papers.

Thus, Applicants respectfully request that the U.S. Patent & Trademark Office recognize that the Applicants have established the fact that page 45 was filed with the patent application papers on the filing date. Applicants also request a refund of the petition fee of 37 C.F.R. § 1.17(h) that has been paid with this petition based on the establishment herein of the fact that page 45 was deposited with the patent application papers.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Petition to Deposit Account No. 23-3178. Duplicate copies of this sheet are enclosed.

Dated this 5 day of August, 2004.

Respectfully submitted,



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CUSTOMER NUMBER: 022913

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